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October 8, 2024

VIA ECF

Honorable Arun Subramanian
United States District Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Dan Clancy v. Everi Holdings Inc., et al.*, Case No.: 1:24-cv-07255-AS

Dear Judge Subramanian:

We represent Dan Clancy (“Plaintiff”) in the above referenced matter filed in this Court on September 25, 2024. This communication is made in connection with the Initial Pretrial Conference currently scheduled for October 17, 2024, before this Honorable Court.

The above-captioned action concerns and is significantly related to a proposed merger transaction involving Everi Holdings Inc. (“Everi” or the “Company”) and affiliates of Apollo Global Management, Inc. (“Apollo”) (the “Proposed Transaction”). The Court entered an order on September 26, 2024, directing that an Initial Pretrial Scheduling Conference be held on October 17, 2024.

On September 17, 2024, Everi filed its Preliminary Proxy Statement with the United States Securities & Exchange Commission (“SEC”). On October 4, 2024, Everi filed its Definitive Proxy Statement with the SEC. Plaintiff’s Counsel has reached out to Defendants’ counsel, Bruce Ericson (“Mr. Ericson” or “Everi’s Counsel”), for service. Mr. Ericson responded and notified Plaintiff’s counsel, that at present time, Mr. Ericson has only been retained by the Company but has not yet been retained to represent the individual defendants. Plaintiff’s Counsel has made Mr. Ericson aware of the dates set forth in the Court’s Initial Pretrial Conference order dated, September 26, 2024.

Honorable P. Kevin Castel
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Plaintiff and Everi are seeking an adjournment of the Initial Pretrial Conference to give the parties an opportunity to address the allegations in Plaintiff's complaint, and possibly moot Plaintiff's claims, prior to the close of the Proposed Transaction. To that end, Plaintiff and Everi request that the Initial Pretrial Conference scheduled for October 17, 2024, be adjourned and continued until thirty (30) days after the shareholders meeting, which is expected to be held November 14, 2024, pursuant to Everi's Definitive Proxy Statement. This is Plaintiff's first request for adjournment of the Initial Pretrial Conference. This request is being made on consent of Plaintiff and Everi.

Respectfully,

/s/ Evan J. Smith
Evan J. Smith

cc: Bruce Ericson, Esquire
Attorney for Everi Holdings Inc.

Application GRANTED. The conference is adjourned to Monday, December 16, 2024, at 1:00 PM. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 8.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: October 8, 2024

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAN CLANCY,

CASE NO.: 1:24-cv-07255-AS

Plaintiff,

PROOF OF MAILING

vs.

EVERI HOLDINGS INC., MICHAEL D.
RUMBOLZ, RANDY L. TAYLOR,
GEOFFREY P. JUDGE, LINSTER W. FOX,
MAUREEN T. MULLARKEY, ATUL
BALI, SECIL TABLI WATSON, PAUL W.
FINCH, JR., and DEBRA L. NUTTON,

Defendants.

I, Evan J. Smith, Esquire, declare:

I am over the age of 18 years and not a party to this action; my business address is 240 Mineola Boulevard, First Floor, Mineola, NY 11501 and Two Bala Plaza, Suite 805, Bala Cynwyd, PA 19004.

On October 8, 2024, I served the following document(s):

- (1) LETTER-MOTION REQUEST FOR ADJOURNMENT OF PRETRIAL
CONERENCE; and
(2) PROOF OF MAILING

by serving a true copy of the above-described document in the following manner:

BY ELECTRONIC MAIL DELIVERY

The above-described documents were transmitted via U.S. Mail & E-Mail delivery to the following parties on October 8, 2024:

Bruce Ericson, Esquire
bruce.ericson@pillsburylaw.com
PILLSBURY WINTHROP SHAW PITTMAN LLP
Four Embarcadero Center
22nd Floor
San Francisco, CA 94111

Attorneys for Defendant

I declare under penalty of perjury under the laws of New York and of the United States of America that the above is true and correct.

Executed on October 8, 2024, at Bala Cynwyd, Pennsylvania.

Evan J. Smith
Evan J. Smith